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UNITED NATIONS CONFERENCF ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 12-30 July 1993

LETTER DATED 26 MAY 1993 FROM THE DIRECTOR, OFFICE OF FISHERIES AFFAIRS, BUREAU OF OCEANS, INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, UNITED STATES DEPARTMENT OF STATE, ADDRESSED TO THE CHAIRMAN OF THE CONFERENCE

I am pleased to submit the enclosed position statement for the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks which elaborates principles and guidelines for the conservation and management of these living marine resources. I request that this position statement, along with this letter, be translated and distributed to delegations in advance of the July session of the Conference.

As was discussed at the April session of the Conference, the work and results of the Conference should be fully consistent with the provisions of the United Nations Convention on the Law of the Sea. Moreover, because straddling stocks and highly migratory species migrate on both the high seas and within exclusive economic zones, the Conference may need to consider interests with regard to these resources relating to both areas, consistent with the Convention.

The United States is flexible on the nature of the outcome of the Conference. The results could, for example, be reflected in a United Nations General Assembly resolution or declaration, or in some other appropriate document. The United States does not believe, however, that it would be appropriate - or even possible - for the Conference to attempt to draft a treaty or other legally binding instrument. Such an undertaking would likely take many years to conclude and would consume valuable time and funds that would be better spent strengthening fishery conservation and management regimes at the regional and subregional levels.

(Signed) Larry L. SNEAD
Director
Office of Fisheries Affairs

Annex

POSITION STATEMENT SUBMITTED BY THE UNITED STATES OF AMERICA

The United States proposes that the Conference consider and adopt the following principles and guidelines for the conservation and management of straddling fish stocks and highly migratory fish stocks for use by States and by regional and international organizations:

1. Living marine resource (LMR) conservation regimes, including those for straddling fish stocks and highly migratory fish stocks, should recognize the principle of conserving resources at levels no less than that which will produce the long-term maximum sustainable yield. Management of fisheries resources should recognize the principle of sustained utilization at high levels of productivity. These regimes should be designed to address discrete conservation and social needs and objectives in specific geographical regions. States and entities concerned with international LMRs, including straddling stocks and highly migratory fish stocks, in specific geographical regions should cooperate to form organizations or bodies responsible for establishing conservation programmes in that region. The conservation programmes established by such organizations or bodies should be consistent with the LMR provisions of the United Nations Convention on the Law of the Sea. 1/

2. Regional organizations or bodies should emphasize multi-species, ecosystem oriented management and other approaches which take into account the relationships among species and their habitats in the establishment of international conservation regimes. The differences among LMRs should also be taken into account when necessary, and the principles which apply to one species (or group of species) may not apply to all others.

3. States and entities that join and/or observe a conservation programme established for a specified geographical area by an international organization or body that has been created for that purpose should generally be entitled to accrue benefits from the obligations that they share to conserve the specified resource. Other States or entities that seek to fish in a geographical area should cooperate with already established organizations or bodies responsible for conservation regimes in that area. Regional organizations or bodies should include provisions to establish conditions for allowing entry by new participants, on a case-by-case basis. However, all States and entities should give due consideration to the ramifications that would result from their initiating a new fishery on a resource which is already fully utilized.

4. Allowable catch levels should be established based upon the best available scientific information, and should take into account uncertainties concerning the size and productivity of the resource and its interrelationships with other resources. Absent data or an agreed-upon conservation programme, it should be the responsibility of the flag State to ensure that its fisheries for straddling fish stocks and highly migratory fish stocks are adequately regulated and rigorously monitored to permit the timely assessment of environmental impacts and the state of the exploited stocks. As in the case of other LMRs, straddling fish stocks and highly migratory fish stocks should be managed in a precautionary manner, recognizing that this approach does not necessarily

require a moratorium on fishing in a particular case, but that utilization should maintain the stocks at a productive level and preserve future use options. Stock assessments should accompany LMR utilization and be conducted with the cooperation and participation of other members of the international community with interests in the straddling fish stocks and/or highly migratory fish stocks of the region. The status of both target and associated species should be monitored to verify that catch levels are not having unacceptable impacts.

5. Conservation and management measures should be effectively enforced. Regional organizations should address enforcement; the flag State should ensure that its vessels follow agreed conservation and management measures (including effective monitoring, control and surveillance of fishing and transshipment activities) and should establish adequate penalties to deter violations.

6. In establishing conservation programmes, regional organizations or bodies should collect and share relevant catch and effort data, including by-catch data as well as other pertinent data - biological or otherwise - in an agreed format and time-frame.

7. States and entities should conduct scientific activities as may be established by the regional organization or body.

8. States and entities should seek to prevent flagging of fishing vessels for the purpose of avoiding conservation regimes adopted by regional organizations or bodies or any other activity that would undermine the conservation, scientific or enforcement programmes established by such organization or body.

9. States and entities as well as regional organizations or bodies should promote environmentally safe technologies, including minimizing pollution, by-catch, and other forms of waste, as part of any conservation programme for the area.

10. Regional organizations or bodies responsible for conservation programmes should include, as appropriate, a dispute-settlement mechanism.

11. States and entities should cooperate to prevent fishing by non-members that undermines agreed conservation and management measures. Remedies could include appropriate trade sanctions against countries operating in a manner that undermines international conservation measures.

Notes

1/ The distinctions between straddling fish stocks and highly migratory fish stocks with respect to the rights and obligations of coastal States and distant-water fishing States, as set forth in article 63 (2) and article 64 of the Law of the Sea Convention, should be taken into account in any international conservation programme.

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